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11 *Attorneys for Respondent Elon Musk*

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15
16 SECURITIES AND EXCHANGE
COMMISSION,

17 Applicant,

18 v.

19 ELON MUSK,

20 Respondent.

Case No. 3:23-mc-80253-JSC

**DECLARATION OF ALEX SPIRO IN
SUPPORT OF ELON MUSK'S MOTION
FOR LEAVE TO FILE A REPLY IN
SUPPORT OF MOTION FOR DE NOVO
DETERMINATION OF DISPOSITIVE
MATTER REFERRED TO MAGISTRATE
JUDGE**

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22 **DECLARATION OF ALEX SPIRO**

23 I, Alex Spiro, declare as follows:

24 1. I am an attorney at the law firm Quinn Emanuel Urquhart & Sullivan, LLP. I submit
25 this declaration in support of Mr. Musk's Motion for Leave to File a Reply in support of his Motion
26 for De Novo Determination of Dispositive Matter Referred to Magistrate Judge. The matters in this
27 declaration are based on my personal knowledge and my review of the filings in this case.
28

1 2. On February 16, 2024, the Court issued a Report & Recommendation recommending
2 the grant of the SEC's application to compel compliance with an administrative subpoena. Dkt. No.
3 40; Dkt. No. 40-1. The Court also noted that this matter should have been transferred to a district
4 judge after Mr. Musk declined magistrate judge jurisdiction. Dkt. No. 40 at 1.

5 3. On March 1, 2024, Mr. Musk filed a Motion for De Novo Determination of
6 Dispositive Matter Referred to Magistrate Judge, identifying his objections to the Report &
7 Recommendation. Dkt. No. 42.

8 4. On March 13, 2024, the SEC filed its Response to Mr. Musk's Motion for De Novo
9 Determination. Dkt. No. 43.

10 5. On March 20, 2024, an attorney at my firm sent an email to counsel for the SEC (Mr.
11 Robin Andrews) explaining that Mr. Musk would seek leave of the Court to file a reply brief in
12 support of his Motion for De Novo Determination and sought its consent to the filing of a reply
13 brief. Mr. Andrews responded that the SEC takes no position regarding the filing of a reply brief.

14 6. Accordingly, a stipulation could not be obtained on Mr. Musk's Motion for Leave.

15 I declare, under penalty of perjury, that the foregoing is true and correct to the best of my
16 knowledge and belief.

17 Executed in Miami, Florida, on March 22, 2024.

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19 Dated: March 22, 2024

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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21 By: /s/ Alex Spiro
Alex Spiro

22 *Attorney for Elon Musk*
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